

**REMARKS**

In response to the Amendment filed August 6, 2003, all of the previous claim rejections were removed. The current status of the claims is the following.

Claims 1-22 are all the claims pending in the application, including new claims 18-22 added by the August 6 Amendment.

Claims 1-5 and 7-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously-cited Yokota et al. (US 6,282,330, hereafter "Yokota") in view of newly-cited Luo et al. (US 6,654,506, hereafter "Luo"). Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully traverse the rejection, as set forth below.

Luo relates to a process and system for automatically creating cropped and zoomed versions of photographic images.

In the "Response to Arguments" on page 11 of the Office Action, the Examiner explains that she interprets the right portion of the display screen in FIG. 9 of Yokota to correspond to the claimed first display section and the left portion of the screen to correspond to the claimed second display section of claim 1. The first display section of claim 1 is claimed as being for displaying the at least first and second images one by one upon each of the images being selected from among images input in the image synthesizing apparatus. By contrast, the right portion of the display screen in FIG. 9 of Yokota displays all of the templates in a reduced size, regardless

of a selection of one of the templates. It is the left portion of the display screen in FIG. 9, which displays selected templates. See col. 12, lines 23-33. Thus, the right portion of the display screen in Yokota fails to correspond to the claimed first display section for displaying the at least first and second images one by one upon each of the images being selected from among images input in the image synthesizing apparatus. Therefore, Applicant submits that Yokota fails to teach or suggest all of the limitations of claim 1.

Hence, claim 1 and its dependent claims 2-5 and 7-22 are allowable over the prior art for at least this reason.

In the August 6 Amendment, Applicant argued that Yokota fails to teach or suggest the crop boundary displayed on the image in the first display section, the crop boundary having a similar shape to the frame that is selected by the frame selecting device, as recited in claim 1. The Examiner responds by asserting that Yokota teaches designating image processes to be applied to a range of an image, while the image is displayed (col. 3, lines 15-22). Further, the Examiner asserts that the reference teaches, after applying the editorial image processing, displaying the modified image as required by the designated page layout (col. 7, lines 55-65). Despite the Examiner's assertions, however, Yokota does not disclose that the crop boundary has a similar shape to the frame that is selected by the frame selecting device. Yokota is silent with respect to the shape of a crop boundary. Nevertheless, the Examiner asserts that it is obvious that Yokota's editorial process defines a crop boundary that has a similar shape to the selected frame, because the trimming of an image is performed over a defined range of the image. Applicant respectfully disagrees. Even though trimming of the image may be performed over a

defined range of the image, the defined range of the image could consist of a boundary of a shape other than a shape similar to the shape of a crop boundary. The ambiguity of Yokota on this point should be construed against the Examiner. See *In re Robertson*, 49 U.S.P.Q.2d 1949 (Fed. Cir. 1999). Thus, claim 1 and its dependent claims are allowable over the prior art for this additional reason.

With regard to the feature of claim 1 of a frame modifying device for modifying any of the outer and inner frames by homothetically changing size or position of the crop boundary relative to the image displayed in the first display section, the Examiner now concedes that Yokota fails to disclose this feature. The Examiner applies Luo (col. 3, lines 10-16) as allegedly disclosing the claimed frame modifying device, but Applicant disagrees. The cited portion of Luo discloses “a system for cropping an image that includes an input for receiving a belief map of an image, a selector choosing a crop window, a window mover positioning the crop window such that the crop window is centered around a portion of the belief map having a highest belief value, and a cropper modifying the image according to the crop window.” However, the cited excerpt is silent with regard to the feature of claim 1 of modifying any of the outer and inner frames by homothetically changing size or position of the crop boundary relative to the image displayed in the first display section. The disclosure in Yokota of the crop window being centered around a portion of the belief map having a highest belief value and modifying the image according to the crop window fails to correspond to the recited features of claim 1. Hence, claims 1-5 and 7-22 are allowable for this reason too.

Regarding claim 2, the Examiner asserts that Yokota discloses the feature of the claim, since Yokota discloses that each original image may be read in three or more different resolutions. However, claim 2 recites a device for enabling changing aspect ratio of any of said outer and inner frames. Because resolution is different from and independent of aspect ratio, Applicant submits that claim 2 is allowable over the prior art for this additional reason.

Claims 18 and 19 are amended herein to remove the recitation of the polygonal shape. Applicant submits that the prior art fails to teach or suggest the remaining limitations of claims 18 and 19. Hence, claims 18 and 19 are allowable for this reason also.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

PATENT TRADEMARK OFFICE

Date: May 6, 2004

Respectfully submitted,



Cameron W. Beddard  
Registration No. 46,545